

**REMARKS**

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claim 22 is now the sole (independent) claim pending in this application. Claim 22 has been amended. Claims 1-21 have been cancelled. Reconsideration and allowance of the present application are respectfully requested.

**Allowable Subject Matter**

Applicant notes with appreciation the Examiner's indication that Claim 22 contains allowable subject matter.

**Claim Rejections under 35 U.S.C. §101**

Claims 1-22 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The rejections of Claims 1-21 are rendered moot by their cancellation. This rejection is respectfully traversed with respect to Claim 22 for at least the following reasons.

While Applicant respectfully disagrees with this rejection, in order to expedite prosecution, Applicant has opted to amend Claim 22 to include the recitation, “using a processing device to perform sampling of the cheek region and jaw region temperatures of the subject based on the infrared face image data.” As such, Applicant respectfully submits that Claim 22 is tied to specific hardware (namely, a processing device). Applicant notes that this amendment is supported at least by Figures 8-9 and their associated description in the specification.

Therefore, Applicant respectfully requests that the rejections of Claims 1-22 under 35 U.S.C. §101 be withdrawn.

**Claim Rejections under 35 U.S.C. §112**

Claim 15 stands rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed. This rejection is rendered moot by the cancellation of Claim

15. Therefore, Applicant respectfully requests that the rejection of Claim 15 under 35 U.S.C. §112 be withdrawn.

**Claim Rejections under 35 U.S.C. §102**

Claims 1-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by “Gender Determining Method Using Thermography” by Nishino et al. (hereinafter “Nishino et al.”). This rejection is rendered moot by the cancellation of Claims 1-15. Therefore, Applicant respectfully requests that this rejection of Claims 1-15 under 35 U.S.C. §102 be withdrawn.

**Claim Rejections Under 35 U.S.C. §103**

Claims 16 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nishino et al. in view of “Fusion of Visual and Thermal Face Recognition Techniques: A Comparative Study” by Heo (hereinafter “Heo”). This rejection is rendered moot by the cancellation of Claims 16, 18, and 19. Therefore, Applicant respectfully requests that this rejection of Claims 16 and 18-19 under 35 U.S.C. §103 be withdrawn.

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “Infrared Identification of Faces and Body Parts” by Prokoski et al. (hereinafter “Prokoski et al.”) in view of “Mixture of Experts for Classification of Gender, Ethnic Origin, and Pose of Human Faces” by Gutta et al. (hereinafter “Gutta et al.”). This rejection is rendered moot by the cancellation of Claims 1-21. Therefore, Applicant respectfully requests that this rejection of Claims 1-21 under 35 U.S.C. §103 be withdrawn.

**Disclaimer**

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

**CONCLUSION**

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 20696-00099-US1 from which the undersigned is authorized to draw.

Dated: December 10, 2010

Respectfully submitted,

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